

On June 7, 1940, the United States attorney for the Eastern District of Michigan filed a libel against 17 packages of Vibratherm at Ferndale, Mich., alleging that the article had been shipped in interstate commerce on or about April 29 and May 10, 1940, by Vitaphore Appliances, Inc., from South Bend, Ind.; and charging that it was misbranded.

Examination showed that the device was a black plastic cylindrical applicator with electrical connections so constructed as to enable one to apply heat and vibration to any portion of the body desired.

The article was alleged to be misbranded in that its labeling contained representations that it was efficacious in the treatment of pelvic infection including endometritis, simple cervicitis, chronic proctitis, colitis, and chronic salpingitis; that it was efficacious in the treatment of prostate trouble, including nervousness, irritability, inability to sleep soundly, melancholia, pain in the crotch and rectum, frequent and painful urination, a tense feeling of the bladder and rectum, severe, intense pain in the back, loins and thighs, decreased flow of urine; that it was efficacious to dilate the blood vessels, and relax the muscles; would reduce inflammation and relieve congestion; would be efficacious to stimulate the tissues, and assist in solution of prostate gland trouble; and would be efficacious to bring satisfactory relief and comfort, which representations were false and misleading since it would not be efficacious for such purposes.

On September 16, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

393. Misbranding of Vitaphore. U. S. v. 11 Devices labeled in part "Vitaphore." Default decree of condemnation and destruction. (F. D. C. No. 2231. Sample No. 7610-E.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated hereinafter.

On June 20, 1940, the United States attorney for the Southern District of California filed a libel against 11 of the above-named devices at Glendale, Calif., alleging that the article had been shipped in interstate commerce on or about April 27, 1940, by Vitaphore Appliances, Inc., from South Bend, Ind.; and charging that it was misbranded.

Examination showed that the article was an electrical device so constructed as to apply vibration and heat to the body.

The device was alleged to be misbranded in that representations in the labeling that it was efficacious to improve the complexion, to maintain a skin of delicate charm and texture, to enable one to gain and retain vital health, buoyant youthfulness and glowing beauty; to soothe tired, sagging facial muscles, to strengthen and build firm tissues, to produce a youthful, healthy glow, to open the pores and penetrate dormant cells and tissues, to rejuvenate and restore at once; that it was efficacious in the treatment of headaches, incipient colds, neuritis, sinus pains, acne, scars, large pores, rough, reddened skin; that wrinkles and laughter lines would be miraculously erased; that it was efficacious in the treatment of oily skin, head colds, hay fever, skin diseases, varicose veins, asthma, backache, boils, carbuncles, bronchitis, croup, catarrh, constipation, earache, eyestrain, fatigue, falling hair, influenza, insomnia, painful or delayed menstruation, nervousness, pleurisy, pyorrhea, sciatica, stiff neck, tired feet, and pelvic and abdominal cramps, were false and misleading since it would not be efficacious for such purposes.

On August 12, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

394. Misbranding of Vitawine. U. S. v. 5% Dozen Bottles of Vitawine. Default decree of condemnation and destruction. (F. D. C. No. 2531. Sample No. 5268-E.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated hereinafter.

On August 12, 1940, the United States attorney for the Southern District of Indiana filed a libel against 5% dozen bottles of Vitawine at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about April 3, 1940, by Interstate Laboratories, Inc., from Louisville, Ky.; and charging that it was misbranded. The article was labeled in part: "Vitawine * * * A Vitamin B and Iron Tonic."

Analysis showed that the article contained alcohol (14.48 percent), iron and ammonium citrate (15.56 grains per fluid ounce), manganese citrate (0.63 grain per fluid ounce), and sodium citrate (5.23 grains per fluid ounce). Bio-